SRI VENKATESVARA ORIENTAL INSTITUTE STUDIES No. 5.

Editor:—Prof. P. V. RAMANUJASWAMI, M.A., *Director.*

THE DHARMASUTRAS AND THE DHARMASASTRAS

(Lectures delivered at the First Session of the Summer School of Hindu Religion in 1949)

BY

Dewan Bahadur K. S. RAMASWAMI SASTRI, B.A., B.L.
Retired District and Sessions Judge

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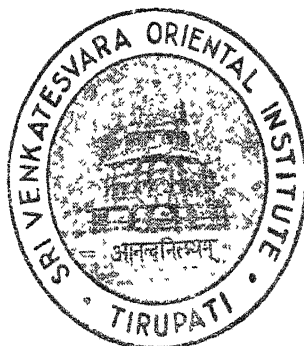
TIRUPATI

TIRUMALA-TIRUPATI DEVASTHANAMS PRESS

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INTRODUCTION

Under the auspices of the Sri Venkatesvara Oriental Institute the Tirumala-Tirupati Devasthanams have been conducting a Summer School of Hindu Religion for four weeks in May every year since 1949 for the benefit of teachers working in the Devasthanam Educational institutions. The object of the School is to impart a correct knowledge of the doctrines of our religion to the teachers and the creation of a religious and moral atmosphere in Schools and Colleges. Distinguished scholars are being invited from different parts of our state to deliver lectures on important topics of our religion. Dewan Bahadur K. S. Ramaswami Sastri, B.A., B.L., Retired District and Sessions Judge, had been invited in 1949 to deliver three lectures on the Dharmasūtras and the Dharmaśastras. The text of his lectures is given in the following pages. Our best thanks are due to him not only for delivering the lectures but also for permitting the Institute to publish his lectures under its auspices.

TIRUPATI
11-3-1952

P. V. RAMANUJASWAMI,
Director.

Dharmasutras and Dharmasastras

CHAPTER I

Their Origin and Growth

Two famous verses in *Manu Dharma Śāstra* give us in clear terms the priorities in respect of authoritativeness as among the various sources of Dharma.

"The entire Veda is the primary source of Dharma. Then come the Smṛti and the character and the conduct of those who are knowers of the Vedas. Last comes the inner joy of the virtuous persons."

Thus the Smṛti is authoritative as being based on the Veda. Further, it is not the impulse or whim of any man that can be a source of Dharma; and such conduct as pleases the soul of a good man can be an authoritative source of Dharma only when the more authoritative sources are silent or when two cources of action are open.

१. वेदोऽखिलो धर्ममूलं स्मृतिशीले च तद्विदाम् ।
आचारश्चैव साधूनामात्मनस्तुष्टिरेव च ॥ (Manu I. 6)

२. वेदः स्मृतिः सदाचारः स्वस्य च प्रियमात्मनः ।
एतच्चतुर्विधं प्राहुस्साक्षाद्धर्मस्य लक्षणम् ॥ (Manu I. 12)

Manu then proceeds to declare that Śruti is Veda and that Smṛti is Dharma Śāstra and that they could not be challenged because they alone reveal the entire Dharma. Achara can never be placed on the same level as they.

The Vedas are not attributed to any human authors. They are believed to be eternal and it is said that the

inspired sages visualise them in their super-conscious state and reveal them to the world. That is why Swami Vivekananda calls them the eternal treasury of the eternal spiritual laws. Smṛtis, Itihasas, Purāṇas, Āgamas etc. have human authors although these are Ṛṣis.

१. श्रुतिं पश्यन्ति मुनयः स्मरन्ति च तथा विधिम् ।
२. श्रुतेरिवार्थं स्मृतिरन्वगच्छत् ।

But they are of authority and validity when they are in consonance with the Vedas. Thus it is right to say that unlike historical world-religions Hinduism is a world-religion without a founder. While elsewhere in the world the laws were given by individual law-givers, in India the Veda is believed to be the ultimate source of all law and ethics and metaphysics.

Weber says as follows in his famous *History of Indian Literature* about the Sūtras: "Diffuse discussion of the details had to be replaced by the concise summaries of them. The utmost brevity was, however, requisite in condensing this great mass, in order to avoid overburdening the memory; and this brevity ultimately led to a remarkably compressed and enigmatical style, which was more and more cultivated as the literature of the sūtras became more independent and in proportion as the resulting advantages became apparent. Thus the more ancient a sūtra, the more intelligible it is; the more enigmatical it is, the more modern will it prove." (page 16). One derivation of Sūtra is सूचनात् सूत्रम्. Another aspect of its meaning is expressed by Sri Śankara's definition of Sūtra in his Bhāṣya on Brahmasūtras वेदान्तवाक्यकुसुमग्रथनार्थत्वात् सूत्राणां, वेदान्तवाक्यानि हि सूत्रैरुदाहृत्य विचार्यन्ते ।

A well-known verse says

अल्पाक्षरमसन्दिग्धं सारवद्विश्वतोमुखम् ।
अस्तोभमनवद्यञ्च सूत्रं सूत्रविदो विदुः ॥

Thus the Sūtra literature came into existence out of a desire to convey in a brief form the matters to be remembered in regard to Vedic lore and usage, rituals and rules of conduct. They were very brief and were meant to be committed to memory. The generic name is Kalpasūtras. These are Śrauta Sūtras and Gṛhya Sūtras and Dharmā or Sāmayācārika Sūtras. I shall deal with them in detail later on. One view is that Śrauta Sūtras must have come into existence first and then Gṛhya Sūtras and later yet the Dharma Sūtras were imposed. Another view is that there was no such inevitable priority. The Sūtras which are the Kalpa Sūtras proper deal with the Vedic sacrifices and form as it were a guide to the Brāhmaṇas. Kalpa is one of the six Vēdāngas. Each Charana or sect had its special Sūtra. The principal Śrauta Sūtras were composed by Āpastamba Nalayana, Bōdhāyana, Kātyāyana, Śānkhayana, Latyayana, Drāhyāyana and Satyāṣhādha. The Gṛhyā Sūtras deal with the Vedic ritual which has to be performed in each family with oblations in the Gṛhya Agni (family fire). They deal with domestic ceremonies, *i.e.*, those celebrated at birth and even before it, at marriage, as well as at death and after it. Both the Gṛhya Sūtras and the Dharma Sūtras are regarded as Smṛti *i.e.* sacred tradition which is of inferior validity compared to Śruti and which is declared to be based on some unknown Śruti. The traditional view is that some sages *viz.* Śānkhāyana, Āśvalāyana, Bōdhāyana, Hiraṇyakasin, Āpastamba and a few others composed both Śrauta Sūtras and Gṛhya Sūtras whereas the Gṛhya Sūtras which form the appendix to Kātyāyana's Śrauta Sūtra were composed by Pāraskara and the Gṛhya Sūtras which form the appendix of the Śrauta Sūtras of Kātyāyana and Drāhyāyana were composed by Gobhila and

Khādira. Hermann Gladenberg accepts the later tradition but doubts the former. I see no reason for such a doubt. The Āśvalāyana Gṛhya Sūtra has been published by the Adyar Library with the Bhāṣya of Devasvāmin.

Coming now to the Dharma or Sāmayācārika Sūtrās proper, we see that they take a wider range. "Samaya" means what is agreed upon and conformed to by men. These Sūtras touch upon the Gṛhya ceremonies but their main aim is to give us a set of rules for the guidance of our temporal life in general. In some cases the same sage has composed all the three kinds of Sūtras whereas in some instances he has composed only one set of sūtras or two sets of sūtras alone. The Dharma Sūtras and later yet the Dharma Śāstras must have been composed at a time when the Aryans had settled down and evolved a stable and simples and highly developed and civilised life which needed settled rules of law in regard to intra-personal relations and intra-group relations.

We have not got any Mānava Dharma Sūtras though Mānava Dharma Śāstra exists. The Dharma Sūtras which are now available in their entirety or in fragments are:

(1) Vasishta Dharma Sūtra (belonging to the Ṛg Veda)

(2) Bodhāyana, Āpastamba, Satyāṣāḍha, Hiraṇyakesin, Drahyāyana. } belonging to the Kṛṣṇa Yajur Veda.

(3) Viṣṇu .... belonging to the Kaṭha School of the Yajur Veda.

(4) Gautama .... belonging to Sāma Veda.

In the Smṛtiratnākara we find a text of the Ṛṣi Agnivēśa who refers to nine Pūrva Sūtras and

nine Apara Sūtras. The Pūrva Sūtras are said to be Baudhāyana, Āpastamba, Satyāṣāḍha, Drāhyāyana, Agastya, Śākalya, Āśvalāyana, Savaniya and Kātyāyana. The Apara Sūtras are said to be Vaikhānasa, Śaunakīya, Bhāradvāja, Agnivēśya, Jaiminīya, Vādhūla, Mādhyandina, Kauṇḍinya and Kausītaka. In the above lists the names of Gautama and Vaisiṣṭa are not found.

Professor Max Muller says that the Sūtra period was one and the same for all the Vedas and fixes its limits as being between 600 B. C. and 200 B. C. But it seems to me that such a late date is no longer tenable. In his introduction to Āpastamba, (Sacred Books of the East Vol. II pp. xviii, xix), Dr. Buhler says: "Whether we assume with Professor Max Muller that the Sūtra period was one and the same for all the four Vedas and fix its limits with him between 600 and 200 B. C. or whether we believe, as I am inclined to do, that the date of the Sūtra period differed for each Veda, still the incontestable conclusion is that the origin of the Āpastamba school cannot be placed in the early times of the Vedic period and probably falls in the last six or seven centuries before the beginning of the Christian era." Dr. Buhler is of opinion that Āpastamba belonged to South India which came late within the pale of Vedic civilisation. I shall consider presently the vexed question of priority as among Gautama and Bōdhāyana and Āpastamba. Mr. R. N. Suryanarayana assigns in his Āpastamba Dharma Sūtra Manjarī the 10th Century B. C. as the date of Āpastamba.

Dr. Būhler says that Gautama preceded Bōdhāyana and that Bōdhāyana preceded Āpastamba as Āpastamba refers to Bōdhāyana. But the Bodhāyana Sūtras as translated in the Sacred Books of the East Series refer

to Āpastamba and Satyāṣāḍha Hiranyakēśin as two of the sages to whom libations of water should be made (page 255)

काण्वं बोधायनं तर्पयामि । आपस्तम्बं सूत्रकारं तर्पयामि । सत्याषाढं हिरण्यकेशिनं तर्पयामि । वाजसनेयिनं याज्ञवल्क्यं तर्पयामि । आश्वलायनं शौनकं तर्पयामि । व्यासं तर्पयामि । वसिष्ठं तर्पयामि ।
(Gautama's Dharma Sūtra, Praśna II, Khanda 9, Sūtra 14)

Dr. Bhandarkar refers also to the fact that tarpaṇa to various puranic Gods is stated by Bodhāyana but not by Āpastamba. He is therefore of opinion that Bodhāyana was later than Āpastamba and Bhāradvāja. The western indologists try to fix the priorities of the Sūtrakāras by saying that the society as described by one of them was more complex than that described by another. But this seems to be a more or less unsafe ground for the determination of priorities in point of time. As the followers of Āpastamba are mostly found in South India, some scholars think that he belonged to South India and probably to Āndhra Deśa. Haradatta's Ujjvala is the famous commentary on Āpastamba's Dharma Sūtras.

There are in my opinion, certain grounds for holding that Āpastamba was prior in date to Gautama and Bhāradvāja. Bōdhāyana refers to Gautama. I have already mentioned his reference to Āpastamba. Further, Āpastamba says that a Brahman should never take up arms even for the sake of a trial. परीक्षार्थेऽपि ब्राह्मण आयुधं नाददीत । Gautama modifies this rule and Bodhāyana permits the bearing of arms by Brahmans. Further, Āpastamba says in I, 5, 4 that ṛṣis are not born in the later ages owing to lack of spiritual discipline. He thus refers to the era of great sages as a past era. It is hence

likely that the Sūtrakāras were lāter than the Vedic sages and than even Vālmīki and Vyāsa. It is to be noted also that while Āpastamba does not refer to mixed castes Bodhāyana does so. Āpastamba's rules of inheritance are very simple. But Bodhāyana refers to twelve kinds of sonship and to Sapiṇḍas and Sakulyas. Further, Āpastamba when dealing with the Vaiśvadeva ceremony allows the food to be prepared by a Śūdra living in the same compound as the higher castes. आर्याधिष्ठिता वा शूद्राः संस्कर्तारः स्युः ।

Very little is known about the time of Vasiṣṭha Sūtras. Vasiṣṭha refers to Gautama. He refers also to Manu (इति मानवः). Very possibly this passage refers to the lost Mānava Sūtras. Professor Buhler states, "It is probable that the work referred to by Vasiṣṭha is the lost Dharma Sūtra of the Mānava Śākhā which is a sub-division of the Maitrāyaniyas and on which the famous metrical Mānava Dharma Śāstra is based." In Manu (VIII, 140) there is a reference to Vasiṣṭha. On this ground Mr. Mandlik says in his Hindu law at Pp. 328, 329 that the Vasiṣṭha Samhita as we now have it was composed before the present compilation of Manu's Institutes by Bṛgu. In I. L. R. Allahabad 67 (Beni Prasad V. Hardai Bibi) at page 76 Edge C. J. referring to the abovesaid view of Mr. Mandlik, observes: "Vasiṣṭha was undoubtedly one of the Ṛṣis and his texts are of very great authority as presenting divine precepts recorded from memory or tradition." We have not got any traditions as to the authorship of Viṣṇu Sūtras. A manuscript of Hārīta was got sometime ago at Nasik.

In my recent work, *Studies in the Rāmāyaṇa,* I have given my reasons for fixing the traditional date

(about 3000 B. C.) for the Mahābhārata and for assigning the Rāmāyaṇa to 5000 to 6000 B. C. and the Vedas to 10,000 to 8,000 B. C. I am not inclined to bring down the date of the Sūtrakāras to 600 B. C. to 200 B. C. as stated by Max Muller. Winternitz would assign even the Rāmāyaṇa to the third century B. C., while Keith would ascribe it to the sixth century B. C. and Jacobi would ascribe it to the 6th or 8th century B. C., and Count Bjornstjerna would assign it to 2000 B. C. The society described by the Sūtras and the Dharma Śāstras was certainly long anterior to the era of Buddha. On the whole it seems to me, that in the present state of the Indian chronology and having regard to the reasons given above, the period of the Sūtras and the metrical Smṛtis might be fixed at 2000 B. C. to 1000 B. C.

The modern western Indologists and many Indian scholars following in their wake are of opinion that the Dharma Sūtras which are in prose must have preceded the Dharma Śāstras which are in verse and that the latter are generally metrical reductions of the former. Dr. Buhler says: "It would seem probable that Dharma Śāstras, like that ascribed to Manu and Yājñavalkya are versifications of older Sūtras, though they in their turn may be older than some of the Sūtra works which have come down to our times". (West and Buhler's Digest, page 42). It is said that Mānava Dharma Sūtras existed but have been lost. The Manu Dharma Śāstra as it exists now is undoubtedly a work of great antiquity. All the Hindu sages and commentators treated the work as being of supreme and paramount authority. The age of the work is placed by Sir William Jones at 1280 B.C., by Schlegel at about 1000 B.C., by Mr. Elephinstone at about 900 B. C., and by Professor Williams at about the 5th Century B. C. Professor Max Muller assigns

to it a date not earlier than 200 B. C. We find references to a Vṛddha (old) Manu and a Bṛhat (Great) Manu. Manu is referred to in the Mahābhārata. It is thus clear that of all the Dharma Śāstras Manu is probably of the greatest antiquity.

The existing Manu Dharma Śāstra is stated in it to be a condensation by the sage Bhṛgu of the original amplified work. The Skanda Purāṇa says that Manu's work was condensed by four sages *viz.* Bhṛgu, Nārada, Bṛhaspati and Aṅgiras. The antiquity of Manu is attested by the mention of his name in the Veda which says "whatever was said by Manu is medicine" (यद्वै किंच मनुरवदत् तद्भेषजम् . Mr. J. D. Mayne says: "Of its antiquity and of its pre.eminence among the Hindus there can be no doubt. The commentaries of Medhātithi and Kullūka on Manu are treated by the Hindu as being entitled to great weight.

The Dharma Śāstra that comes next to Manu in importance and authority is that of Yājñavalkya. The Mitākṣara is a famous commentary on it. Parāśara Smṛti has got a famous commentary by Mādhava. There are also the Smṛtis of Nārada and Bṛhaspati. Other Dharmaśāstras are those of Hārīta, Uśanas, Aṅgiras, Yama, Atri, Samvarta, Kātyāyana, Dakṣa, Śātātapa, Gautama, Āpastamba, Vasiṣtha, Vyāsa, Viṣṇu, Devala, Prajāpati, Vyāghrapāda and Sankha Likhita. Vaidyanātha Dikshitīyam and Kṛtya Kalpataru are digests of various Smṛtis.

As stated above the paramountcy of Manu is accepted on all hands. The Bṛhaspati Smṛti says:

वेदार्थप्रतिबद्धत्वात् प्रामाण्यं तु मनोः स्मृतम् ।
मन्वर्थविपरीता तु या स्मृतिः सा न शस्यते ॥

As the same time it is equally well accepted that Parāśara Smṛti is pre-eminently the Smṛti for the Kali age.

कृते तु मानवो धर्मस्त्रेतायां गौतमः स्मृतः ।
द्वापरे शङ्खलिखितौ कलौ पाराशरः स्मृतः ॥ *(Parāśarasmṛti)*

The portion relating to law in Parāśara Smṛti has disappeared. I may point out here that many modern leaders of thought have spoken in the highest terms about Manu's Code. Sir William Jones says: "The laws of Manu very probably were considerably older than those of Solomon or even of Lycurgus, although the promulgation of them before they were reduced to writing might have been coaeval with the first monarchies established in Egypt and India." Dr. Robertson says: "With respect to the number and variety of points the Hindu Code considers, it will bear a comparison with the celebrated Digest of Justinian or with the systems of jurisprudence in nations most highly civilised. The articles of which the Hindu Code is composed are arranged in natural and luminous order. Whoever examines the whole work cannot entertain a doubt of its containing the jurisprudence of an enlightened and commercial people. Whoever looks into any particular title will be surprised with a minuteness of detail and nicety of distinction which, in many instances, seem to go beyond the attention of European legislation." Coleman says: "The style of it (Manu) has a certain austere majesty that sounds like the language of legislation and extorts a respectful awe. The sentiments of independence of all beings but God and the harsh administrations even to kings are truly noble, and the many panegyrics on the Gāyatri prove the author to have adored that divine incomparably greater light which illumines all and delights all, from which all proceed, to

which all must return and which can alone irradiate our intellect." (Mythology of the Hindus, page 8).

It is not proper or possible to bring the commentaries on the Smṛtis within the scope of these lectures. The weightiest of all of them is the Mitākṣara of Vijñānēśvara. It is supreme in India except in Bengal where it is modified by the Dāyabhāga of Jīmūtavāhana. Other authoritative digests in South India are the Smṛti Candrika, the Dāya Vibhāga, the Sarasvati Vilasa, and the Vyavahāra Nirṇaya. Messrs. K. V. Rangaswamy Iyengar and A. N. Krishna Iyengar have recently brought out a very accurate and scholarly edition of Vyavahāra Nirnaya through the Adyar Library. In his introduction to the work Mr. K. V. Rangaswamy Iyengar says it cannot be later than 1250 A. D. and that its upper limit must be the middle of the 12th Century A. D. Vyavahāra Mayūkha and Vīramitrōdaya are supplementary to the Mitākṣara in Western India. Vivādacintāmaṇi and Vyavahāracintāmaṇi are supplementary to the Mitākshara in Mithila. Dattaka Chandrikā and Dattaka Mīmāmsa are authorities on the law of adoption. It is not necessary to refer to the other works of this kind here.

CHAPTER II

Their Threefold aspect.

The three general aspects of all the Dharma Sutras and Dharma Śāstras are Acāra, Vyavahāra and Prāyaschitta (general conduct, law and ceremonial expiation). The first part deals with all the rules of conduct to be observed in personal life and in family life and in social life. There are also the rules relating to pollution on occasions of birth and death. The second part deals with all the rules of civil law and criminal law as they were in force from time to time. The third part deals with the ceremonial to be observed in regard to acts which are transgressions of the rules of conduct and which cannot come within the ambit of civil law or which even if they might come within such ambit, do not become matters for consideration in courts.

The importance of Ācāra as a purifier of the soul and as the preserver and protector of Dharma has been stressed again and again in the Dharma Śāstrās.

चतुर्णामपि वर्णाना माचारो धर्मपालकः ।
आचारभ्रष्टदेहानां भवेत् धर्मः पराङ्मुखः ॥ *(Parāsara)*

Manu has emphasised the importance of Ācāra in the following well-known verses.

अस्मिन् धर्मोऽखिलेनोक्तो गुणदोषौ च कर्मणाम् ।
चतुर्णामपि वर्णाना माचारश्चैव शाश्वतः ॥

(अस्मिन् कात्र्स्न्येन धर्मोऽभिहित इति शास्त्रप्रशंसा। कर्मणाञ्च विहित-निषिद्धानामिष्टानिष्टफले। वर्णचतुष्टयस्यैत्र आचारः शाश्वतः पारंपर्यागतः। धर्मत्वेऽप्याचारस्य प्राधान्यख्यापनाय पृथङ्निर्देशः। *Kulluka Bhatta.)*

आचारः परमो धर्मः श्रुत्युक्तस्मार्त एव च ।
तस्मादस्मिन् सदा युक्तो नित्यं स्यादात्मवान् द्विजः ॥

आचाराद्विच्युतो विप्रो न वेदफलमश्नुते ।
आचारेण तु संयुक्तः सम्पूर्णफलभाग्भवेत् ॥

एवमाचारतो दृष्ट्वा धर्मस्य मुनयो गतिम् ।
सर्वस्य तपसो मूलमाचारं जगृहुः परम् ॥ (I. 107 to 110)

श्रुतिस्मृत्युदितं सम्यङ् निबद्धं स्वेषु कर्मसु ।
धर्ममूलं निषेवेत सदाचारमतन्द्रितः ॥

आचाराल्लभते ह्यायुराचारादीप्सिताः प्रजाः ।
आचाराद्धनमक्षय्यमाचारो हन्त्यलक्षणम् ॥

दुराचारो हि पुरुषो लोके भवति निन्दितः ।
दुःखभागी च सततं व्याधितोऽल्पायुरेव च ॥

सर्वलक्षणहीनोऽपि यः सदाचारवान्नरः ।
श्रद्धधानोऽनसूयश्च शतं वर्षाणि जीवति ॥

यद्यत्परवशं कर्म तत्तद्यत्नेन वर्जयेत् ।
यद्यदात्मवशं तु स्यात् तत्तत्सेवेत यत्नतः ॥

सर्वं परवशं दुःखं सर्वमात्मवशं सुखम् ।
एतद्विद्यात्समासेन लक्षणं सुखदुःखयोः ॥

यत्कर्म कुर्वतोऽस्य स्यात् परितोषोऽन्तरात्मनः ।
तत्प्रयत्नेन कुर्वीत विपरीतं तु वर्जयेत् ॥ (IV, 155 to 161)

मङ्गलाचारयुक्तानां नित्यञ्च प्रयतात्मनाम् ।
जपतां जुह्वतां चैव विनिपातो न विद्यते ॥ (IV, 146)

नाधर्मश्चरितो लोके सद्यःफलति गौरिव ।
शनैरावर्तमानस्तु कर्तुर्मूलानि कृन्तति ॥

यदि नात्मनि पुत्रेषु नचेत्पुत्रेषु नप्तृषु ।
नत्वेव तु कृतोऽधर्मः कर्तुर्भवति निष्फलः ॥

अधर्मेणैधते तावत् ततो भद्राणि पश्यति ।
ततः सपत्नान् जयति समूलस्तु विनश्यति ॥ (IV 172 to 174)

The importance of the forty Samskaras in purifying the soul during its sojourn on earth has been stressed in the Dharma Sūtras and Dharma Śāstras, though, as I shall show later on, a far higher place as purificatory

agencies was given to ethical qualities than to ceremonial rituals. One of the great merits of the Hindu scheme of thought and the Hindu way of life was this singular balance of ethics and rituals. In the Gīta Sri Krishna summed up all of them under the heads of *Yajña*, *dana* and *tapas*.

The caste-system—the Hindu name is not caste but varna, whatever be the modern western view about its origin and growth, was regarded as the ground plan of the social composition. There is a view among western scholars that there was no caste in the Ṛg-Vedic period and that caste came in later on. Caste is stated in the Ṛg Veda and is found also among the Ancient Iranians who descended from their Hindu brethren and trekked into Persiā. The caste system was thus older than that great schism. I shall not deal with it in detail here. Its essence was the division of the society into priests and rulers and distributors and producers and its economic principle was division of labour and its social principle was mutual service aud interdependence (परस्पर भावना), whatever be its later degradations.

An aspect of the utmost importance in such scheme of a life of ăcăra is what is called Dina Charya (daily duties) or Shatkarma. The following verse is found in Manu, Parăsara and other smṛtis.

सन्ध्या स्नानं जपो होमो देवतानां च पूजनम् ।
आतिथ्यं वैश्वदेवञ्च षट्कर्माणि दिने दिने ॥

The supreme importance of Sandhya is stressed by Manu thus:—

ब्राह्मे मुहूर्ते बुद्ध्येत धर्मार्थौचानुचिन्तयेत् ।
कायक्लेशांश्च तन्मूलान् वेदतत्त्वार्थमेव च ॥

उत्थायावश्यकं कृत्वा कृतशौचः समाहितः ।
पूर्वां सन्ध्यां जपंस्तिष्ठेत् स्वकाले चापरां चिरम् ॥

ऋषयो दीर्घसन्ध्यत्वात् दीर्घमायुरवाप्नुयुः ।
प्रज्ञां यशश्च कीर्तिं च ब्रह्मवर्चसमेव च ॥ (IV 92, 93, 96)

The following verses also are important:

नित्यं स्नात्वा शुचिः कुर्यात् देवर्षिपितृतर्पणम् ।
देवताभ्यर्चनञ्चैव समिदाधानमेव च ॥ (Manu II, 176)

ऋषियज्ञं देवयज्ञं भूतयज्ञं च सर्वदा ।
नृयज्ञं पितृयज्ञंच यथाशक्ति न हापयेत् ॥ (Manu IV, 21)

Such a daily regimen of life is prescribed not only for the men of twice born castes but also for the women and for the Sudras. I learn that there is a Gayatri open to all varnas. Various Japas are open to all groups including the Harijans.

Without going into further details, we can easily see that the daily regulation of life is a vital factor in one's own psychic purification and in the uplift of all.

A concession was made in regard to obligatory duties of all sorts if and when there was not enough strength to carry them out in full. They could then be done on a limited and minor (गौण) scale while those who had the necessary strength and conveniences to perform them in full, performed them in full (मुख्य) measure). In regard to all men and all groups, though the idea of rights was known, the stress was on the concept of Rights because if our eyes are concentrated on Duties, this implies rights in others. Take care of the Duties and the Rights will take care of themselves—was the Hindu motto.

The Samskāras which have been preserved most intact are Upanayana (investiture with the sacred thread) and vivāha (marriage). The former is very important because it implies the initiation of the boy into the Gāyatri Mantra. But it is now become a formal affair

and is not followed by Adhyayana (vedic study), except in the case who seek to take up Vaidika Vṛtti (priestly Profession). Though the ancient Gurukula scheme of life and study might not be reviewed in full, yet the Gurukula spirit of purity and discipline and study is good for all and a minimum of adhyayana at least must be preserved *eg.* the Sooktas, Rudra and Taittirīya. In regard to marriage though possibly both post-puberty and pre-puberty marriages prevailed formerly, the sages preferred the pre-puberty marriage, possibly because it led to greater modesty and purity and chastity. Nowadays this rule is being relaxed under the pressure of modern conditions. Widow marriages were in disfavour at one time but have now been legalised though naturally they are rare. Further, anuloma marriages were allowed and paratiloma marriages were forbidden. But even then the trend was in the direction of marriage within the caste and it is said that is the rule in the Kali age.

The Dharma Sūtras and Dharma Sāstras contain also elaborate rules about the professions (Vṛttis) to be pursued by the Various varnas (castes). The main sources of income for the Brahmans were stated to be Shat-karma *i.e.*, six courses of life *viz.* यजन. याजन, अध्ययन, अध्यापन, दान प्रतिग्रह.

अध्यापनमध्ययनं यजनं याजनं तथा ।
दानं प्रतिग्रहश्चैव ब्राह्मणानामकल्पयत् ॥ (Manu I, 88, X-75)

But such danas (gifts) were not to be given to hypocritical and unpious Brahmins.

न वार्यपि प्रयच्छेत्तु बैडालव्रतिके द्विजे ।
न बकव्रतिके विप्रे नावेदविदि धर्मवित् ॥

त्रिष्वप्येतेषु दत्तं हि विधिनाप्यार्जितं धनम् ।
दातुर्भवत्यनर्थाय परत्रादातुरेवच ॥

यथा प्लवेनौपलेन निमज्जत्युदके तरन् ।
तथा निमज्जतोऽधस्तात् अज्ञौ दातृप्रतीच्छकौ ॥
धर्मध्वजी सदा लुब्धश्छाद्मिको लोकदंभकः ।
बैडालव्रतिको ज्ञेयो हिंस्रः सर्वाभिसन्धकः ॥
अधोदृष्टिर्नैष्कृतिकः स्वार्थसाधन तत्परः ।
शठो मिथ्याविनीतश्च बकव्रतचरो द्विजः ॥
ये बकव्रतिनो विप्राः ये च मार्जारलिङ्गिनः ।
ते पतन्त्यन्धतामिस्रे तेन पापेन कर्मणा ॥
न धर्मस्यापदेशेन पापं कृत्वा व्रतं चरेत् ।
व्रतेन पापं प्रच्छाद्य कुर्वन् स्त्रीशूद्रदंभनम् ॥

Manu IV, 192 to 198

The professions open to the various castes underwent changes from time to time under the stress of the environment, not only by the theory of *āpatdharma* or change of professions due to the failure of enjoined professions but even otherwise. The Paraśara Smṛti which is said to be the Smṛti for Kaliyuga says

षट्कर्मसहितो विप्रःकृषिकर्म च कारयेत् ॥ (II, 2)

स्वयंकृष्टे तथा क्षेत्रे धान्यैश्च स्वयमार्जितैः ।
निर्वपेत् पञ्चयज्ञांश्च क्रतुदीक्षां च कारयेत् ॥ (II, 6)

ब्राह्मणश्चेत् कृषिं कुर्यात् महादोषमवाप्नुयात् ॥ (II, 7)

Parāśara thus allows vicarious cultivation as a means of livelihood to Brahmins while the Gītā refers only to कृषि गोरक्ष वाणिज्यम् . For Vaisyas, Parāśara says :—

लाभकर्म तथा रत्नं गवां च परिपालनम् ।
कृषिकर्म च वाणिज्यं वैश्यवृत्तिरुदाहृता ॥ (II, 63)

He thus allows them the professions of money-lending and of jewelware. In regard to Sudras he says as follows whereas the Gītā refers only to परिचर्यात्मकं कर्म.

लवणं मधुतैलं च दधि तक्रं घृतं पयः ।
न दुष्येच्छूद्रजातीनां कुर्यात्सर्वेषु विक्रयम ॥

(सर्वेषु — सर्ववर्णेषु ।

विक्रीणन् मद्यमांसानि ह्यभक्ष्यस्य च भक्षणम् ।
कुर्वन्नगम्यागमनं शूद्रः पतति तत्क्षणात् ॥ (II, 65, 166)

Later yet Kautilya says in his *Artha Śāstra* that Sūdras can resort to Vārta (agriculture and industry and commerce) and Karu Kusilava Karma (work as technicians and artisans and artists). Thus the professions open to the various groups underwent changes and amplifications from time to time.

I wish to make a passing reference here to the question of sea-voyage though it is no longer a live issue. The Hindus were adventurous traders and sailed the seas. Nau (ship) is the same word as Navy. But there was throughout the Smṛti period an admonition to the Brahmins against sea-voyage. Even there the word used is *Nanyayi* (a habitual sea voyager). That was not due to any dread of Kalapani but to the wholesome apprehension that Samskaras could not be properly performed outside the homeland. Even this apprehension was eliminated when in the course of the expansion of Hindu culture in South-East Asia and Indonesia there was a migration of all the social groups, thus transplanting, so to say, a portion of the homeland beyond it. Under any circumstances there would invariably be a little laxity or omission in regard to Samskaras, and for this lapse, *Setudarsana* was provided as an expiation. But under the stress of the modern rust of events this *Setudarsana* is being given up and I am afraid that the laxity abroad also is leading to laxity at home. I think that here, as in other things, the via-media of *Setudarsana* and reversion to Achara life should be adopted.

In regard to the general value of the Vyavahara portion of the Smṛtis, I may refer briefly to what

Mr. K. V. Rangaswami Iyengar says appositely in his excellent introduction to his edition of *Vyavahāra Nirnaya.* "The law of evidence is lucid and carefully modelled to save the interests of justice and avoid hasty judgment. Considerable psychological insight is reflected in the law of evidence and the points for its evolution. A trial under the rules of the Hindu code will hardly suffer in comparison with present day trials, while it marks a tremendous advance upon trials even in England upto the 19th century." I have discussed the legal titles in the Smṛtis as well as the ancient judicial system in my articles in *The Contemporary law Review* which was published in Madras some years ago. Mr. B. Gururaja Rao's *Ancient Hindu judicature* is another good book on the same subject. It is not necessary to discuss the aboves and aspect in detail here, as modern civil and criminal law in India is complex and refined and has practically superseded the portion of the Smṛtis relating to *Vyavahāra.*

I shall mention briefly here the nature of the courts and their functions in accordance with the dictates of the Dharma Sūtras and the Dharma Śāstras. The ultimate source of judicial power is the King himself.

व्यवहारान् नृपः पश्येत् विद्वद्भिःब्राह्मणैः सह ।
धर्मशास्त्रानुसारेण क्रोधलोभविवर्जितः ॥ (Yajñavalkya)

The King's court was the Supreme court in the land. He used to appoint learned persons as Sabhyas (members of the Judicial assembly) to advise him. These must be at least three in number according to Manu and five or seven according to Bṛhaspati. Kātyāyana says that the King might invite to the judicial assembly some respectable and aged merchants of good family and wealth. If the King could not preside over the

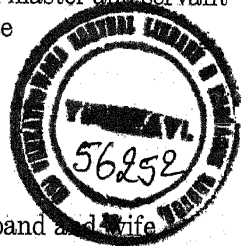
court himself he should appoint a judge (प्राड्विवाक *i.e.*, one who hears both parties and examines the matters at issues. (पृच्छति विविनक्ति इति प्राड्विवाकः) There were also inferior judges appointed by the King and invested with local jurisdictions over small towns or villages. In addition to these permanent courts there were also tribunals constituted by the consent of parties. These were in the nature of arbitration tribunals. They were (1) पूग (Pooga) (2) श्रेणि (Sreni) (3) कुल (Kula) in gradation of rank. Pooga is an association of persons resident in any town or village and drawn from various castes and following different professions. Sreni is an assemblage of persons of different castes or of one caste following a particular profession, such as a guild of betel sellers or weavers or shoemakers. *Kula* is a collection of persons who are the kinsmen of the parties. Kula was the lowest court of arbitration. Above it was the Sreni which consisted of strangers who were residents of the same locality. Above it was the Pooga which was cosmopolitan in its constitution. The King's courts supervised the work of these arbitration courts. From the decision of each court a party could appeal to the next higher tribunal. There was no differentiation between civil courts and criminal courts. The same tribunals dealt with civil cases and criminal cases. Each tribunal had its ministerial offices such as Ganaka (accountant), the Lekhaka (the clerk who recorded the pleadings of the parties) the *Sadhyapala* who served the court's summons on the parties, and others.

Each Vyavahāra (dispute) had to pass through four stages *viz.* प्रतिज्ञा (plaint or complaint), उत्तर (written statement), संशयहेतुपरामर्श (weighing of evidence), and निर्णय प्रमाण (final conclusion). There was no professional class of lawers at first but advisers to the parties are referred

to in Sukraniti. The name vakil shows that such lega advisers became a regular feature during the Muslim period.

Proof (प्रमाण) was of two kinds (1) मानुष (human) (2) दैविक (divine) such as ordeals and tests. Human proof consisted of documents (लिखित) and witness (साक्षि) and posession (भुक्ति). Divine proof had to be resorted to only in the absence of human proof. The period of limitation was 20 years in the case of immoveable properties and ten years in the case of moveable properties.

The disputes were divided into 18 forms of legal actions.

1. ऋणादान Debt
2. निक्षेप Bailment
3. अस्वामिविक्रय Selling property which is not one's own
4. संभूयसमुत्थान Partnership
5. दत्तानपकर्म Non completion of gift by delivery
6. वेतनादान Non payment of wages
7. संविद्व्यतिक्रमः Breach of contract
8. क्रयविक्रय Sale and purchase
9. स्वामिपालविवादः Dispute between master and servant
10. सीमाविवाद Boundary dispute
11. दण्डपारुष्यम् Assault
12. वाक्पारुष्यम् Libel
13. स्तेयं Theft
14. साहसम् Violence
15. स्त्रीसङ्ग्रहणम् Abduction
16. स्त्रीपुन्धर्मः Relation of husband and wife
17. विभागः Partition and succession
18. द्यूतसमाह्वयः Gambling

It is not possible to go in detail here into the rules of prayaschitta (expiatory ceremonies in respect of

minor and major sins.) The word *Prayaschītta* means repentant mind. Thus repentance and contrition are a vital element in all ceremonials of expiation. Expiation comes in when a man fails to do obligatory acts or does forbidden acts. Manu says that all ugliness and disfigurements and disabilities of the senses and diseases are due to sins committed by us in previous births or in this birth.

अकुर्वन् विहितं कर्म निन्दितं च समाचरन् ।
प्रसक्तश्चेन्द्रियार्थेषु प्रायश्चित्तीयते नरः ॥

अकामतःकृतं पापं वेदाभ्यासेन शुद्ध्यति ।
कामतस्तु कृतं मोहात् प्रायश्चित्तैः पृथग्विधैः ॥

प्रायो नाम तपः प्रोक्तः चित्तं निश्चय उच्यते ।
तपो निश्चयसंयुक्तं प्रायश्चित्तमिति स्मृतम् ॥

इह दुश्चरितैः केचित् केचित् पूर्वकृतैस्तथा ।
प्राप्नुवन्ति दुरात्मानो नरकाख्यविपर्ययम् ॥

चरितव्यमतो नित्यं प्रायश्चित्तं विशुद्धये ।
निन्द्यैर्हि लक्षणैर्युक्ता जायन्तेऽनिष्कृतैनसः ॥

(Manu XI. 44, 46, 47, 48, 53)

I propose to consider briefly the topics dealt with in the Dharma Sūtras of Apastamba and Gautama and Bodhayana and in the Dharma śāstra of Manu (which is the most famous and authoritative of all the Dharma Sāstras) and the Dharma Śāstra of Parāśara which is the one particularly applicable to this Kali age. I shall then make a brief reference to the other Dharma Sūtras and Dharma Śāstras as well. It is not possible to consider all of them in detail within the ambit of a single exposition but enough can be said to show how they reflected the general spirit of Indian culture and how they throw abundant light on the ideals and values of life and on the disciplines conductive to the realisation of such ideals and values as visualised and realised and promulgated by the sages and seers and saints of India.

The Apastamba Dharma Sūtras consist of two Praśnas. The first Praśna describes the four castes, and the details relating to Upanayana and Veda adhyayana. Āpastamba says that ṛṣis are not now born because of lack of discipline.

तस्मात् ऋषयोऽवरेषु न जायन्ते नियमातिक्रमात्।

He forbids selfpraise and blame of others by students and disciples.

आत्मप्रशंसां परगर्हामिति च वर्जयेत्।

Āpastamba then deals in the first praśna with the five mahāyajñas, Ācharana, forbidden food etc. He then describes Dharma and Āpatdharma. What is Dharma?. It does not exhibit itself nor do the gods produce it before us. What the good men approve of is Dharma; and what they condemn is Adharma.

न धर्माधर्मौ चरत आवां स्व इति। न देवगन्धर्वा न पितर इत्याचक्षतेऽयं धर्मोऽयमधर्म इति। यत्त्वार्याः क्रियमाणं प्रशंसन्ति सधर्मो यद्गर्हन्ते सोऽधर्मः।

What is Āpatdharma?.

आपादि व्यवहरेत पण्यानामपण्यानि व्युदस्यन्

Haradatta says

कृत्स्नाया वैश्यवृत्तेरुपलक्षणमिदं। क्षत्रियवृत्तिश्च दण्डापूपिकया सिद्धा।

Āpastamba then deals with the Prayaschittas and the Snātakavrata.

In the second Praśna he describes the householder's duties Vaisvadeva, duties to atithis (guests) forms of marriage, partition of property, Sraddhas (duties of ascetics and duties of Kings. About the Sanyasis he says:

सत्यानृते सुखदुःखे वेदानिमंलोकममुं च परित्यज्य आत्मानमन्विच्छेत्।

In the Gautama Dharma Sūtras, the first and second Adhyayas define Dharma and describe Upanayana and Adhyayana.

वेदो धर्ममूलं। तद्विदां च स्मृतिशीले। (I, 1, 2)

About Sandhya he says

तिष्ठेत् पूर्वामासीनोत्तरां सज्योतिष्याज्योतिषो दर्शनात् वाग्यतः।
(II, 17)

About giving up wine he says

मद्यं नित्यं ब्राह्मणः। (II, 26)

The Maskari Bhashya says

नित्यं प्रागप्युपनयनात् वर्जयेत्।

The third Adhyaya deals with the other Asramas. The fourth Adhyaya describes the various forms of marriage the various castes etc., The fifth Adhyaya describes the five Maha Yajñas the tarpana of devas and ṛṣis and pitṛs, Aupāsana, Vaiśvadeva, respect for atithis (guests) etc. The 6th adhyaya deals with *abhivādanam*. The seventh adhyaya deals with Apatdharma. Gautama allows Brahmins to resort to arms when there is threat to life.

प्राणसंशये ब्राह्मणोऽपि।शस्त्रमाददीत। (VII, 25)

The Maskari Bhashya says

प्राणग्रहणेन पुत्रदारहिरण्यादेरपि ग्रहणम्। 'प्राणाह्येते बहिश्चराः' इति दर्शनात्। अपिशब्दात् वैश्यशूद्रावपि। क्षत्रियस्यार्थसिद्धत्वात् रक्षणादौ प्रवृत्तेः। यद्वा क्षत्रियस्यापि। राजन्यो वैश्यकर्म वैश्यकर्म॥ (VII, 26)

The 8th adhyaya deals with the 40 Samskāras and the 8th Ātma Gunas. Adhyayas 9 and 10 deal with the duties of the 4 castes. Adhyaya 11 deals with Rājadharma. Adhyaya 12 and 13 deal with titles of law. The 14th Adhyaya deals with pollution. The 15th Adhyaya deals with the Shraddha ceremonies. The 16th

Adhyaya deals with upakarma and anadhyayana days. The 17th Adhyaya deals with food that may be taken and with forbidden food. The 18th Adhyaya deals with stridharma. Adhyaya 19 to 27 deal with Prayaschitta. Adhyaya 28 deals with partition and parishad.

Bodhayana Dharma sūtras consist of 4 praśnas. Govindaswami has written a commentary thereon. The 1st Khanda of the first praśna deals with the nature of Dharma.

उपदिष्टो धर्मः प्रतिवेदम्। तमानुव्याख्यास्यामः। स्मार्तो द्वितीयः। तृतीय-शिष्टागमः। शिष्टाः खलु विगतमत्सराः निरहंकाराः कुंभीधान्या अलोलुपा दंभः दर्प लोभ मोह क्रोध वर्जिताः।

Bodhayana says also that Prayaschitta must be fixed with due regard to capacity sage etc.,

शरीरे बलमायुश्च वयःकालं च कर्म च।
परीक्ष्यधर्मवित् बुद्ध्या प्रायश्चित्तानि निर्दिशेत्॥

The 2nd Khanda deals with Deśadharmas and defines Āryāvarta as lying between the Himalaya mountain and the Pariyatra mountain. Khanda III deals with Upanayana. Khandas V and X deal with the Snātaka. Khanda VIII deals with purity (saucha). Khandas XI to XIV deal with āsoucha and suddhi. Khanda XVI deals with the four castes. Khandas XVIII and XIX deal with Rājadharmas. Khanda XX deals with the 8 forms of marriage.

In the second Praśna, the first and second Khandas deal with Prayaschittas. The Khandas III to VI deal with the duties of the snātaka, the householder, and partition. In Khanda VII the Gāyatri japavidhi is stated thus.

दर्भेष्वासीनो दर्भान्धारयमाणः सोदकेन पाणिना प्रत्यङ्मुखः सावित्रीं सहस्रकृत्व आवर्तयेत्।

Khanda VIII deals with snana (bath) and Khanda IX with Tarpaṇa and Khanda XI with the five mahā-yajñas. The later Khandas deal with the Āśramas, Śrāddha, Prayaschitta etc.,

In Manu Dharma Śāstra, Chapter I deals with cosmogony and the four social orders. Chapter II describes the duties of Brahmacharis. Chapter III deals with the forms of marriage, the five maha yajñas etc. Chapter IV describes the duties of householders. Chapter V deals with proper food and improper food and uncleanness. Chapter VI deals with the different social orders. Chapter VII deals with the duties of Kings. Chapter VIII describes courts of Justice, the law of evidence etc. Chapter IX deals with the law of inheritance etc. Chapter X describes Āpatdharma. Chapter XI deals with Prayaschitta (expiation). Chapter XII refers to rebirth, jñana, and self-realisation.

In Parāsara Samhita, Chapter I deals with the rules of conduct and the legal code in the various yugas and the duties of Brahmins in this Kali age. Chapter II deals with the duties of the four castes. Chapters III to XII deal with pollution and expiatory ceremonies.

In cases not expressly provided for, Manu allows in Chapter XII resort to a Parishad for guidance. Ordinarily a Parishad should consist of 10 or at least 3 learned and pious Brahmins. We must be guided by even one Brahmin learned in the Vedas and not by the mere opinion of a majority which is not learned in the Vedas (XII, 109 to 114)

Thus the Dharma Sūtras and the Dharma Śāstras deal in the main with Ācāra and Vyavahāra and Prayaschitta. They describe the four Varṇas and the

four āśramas and their rights and duties. They describe the various Samskaras from Garbhādhāna to Antyeshti. (the last funeral rites.) They describe the life of the Brahmacharin, the Anadhyayana days, the duties of a snātaka (who has finished Brahmacharya), the duties of married life, purity, the five daily yajñas, dāna, (gifts) the permitted food and the forbidden food, pollution (āsaucha), purification (shuddhi), śrāddha, stridharma, rājadharma, vyavahāra (judicial system) āpaddharma, prayaschitta, sānti karma etc. Though the authorities refer to Āryāvarta as being between the Himalaya and the Vindhya, the Purāṇas refer also to Bharata Varsha as stretching from the Himalaya to Kanyā Kumari (cape Comorin). The Vedas etc., contain no reference to the people having come into India from somewhere outside. The Himalaya is always referred to as the Uttara Giri (the northern mountain). In Sabara Bhasya on Jaimini's sūtras, X 1, 35 we find him saying that there was unity of language and life from the Himalaya to Cape Comorin.

प्रसिद्धश्च स्थाल्यां चरुशब्द अहिमवत आच कुमारीभ्यः ।

Some Purāṇas (Mārkandeya etc.) say that Bharata was the son of Rishabha whereas Vāyu Purāṇa says that he was the son of Duṣyanta and Sakuntala. Thus though some portions of India were at one time denounced as impure, yet the whole of India was regarded later as a land of unity and purity.

In the Cultural Heritage of India Vol. I Mr. T. R. Venkatarama Sastri says, well: "These Smṛtis are not mere law books. There is involved in the Smṛtis much more than the civil and criminal laws and the laws of marriage and families. Every detail of the daily life of the individual is included. Social arrangements with all

the social institutions are comprehended. The King's duties in relation to the internal and external affairs of the country are included therein. It is difficult to conceive of anything bearing on the conduct of any individual or group of individuals or of society as a whole that does not fall within the regulation attempted by the Smṛtis. Worship of gods, ceremonies in commemmoration of the dead, birth and death pollutions, expiatory acts, sacrifices, custums and manners of daily life and behaviour are all included, indicating thereby their all embracing character.

The period of the Smṛtis strictly so-called may cover 1500 years, but an understanding of the Smṛtis as well as of the lives lived under their influence requires that period to be extended both ways, further back into the period preceding it, and further forward almost upto the middle of the last century."

CHAPTER III

Their Present and Future

The Dharma Sūtrakaras were quite aware that eras might come into existence when the vṛthis (professions) fixed for each caste might have to undergo alteration. Some Kshatriya Kingdoms disappeared. Non-Kshatriya Kingdoms arose. It happened that the Brahmins were not able to live by *Shatkarma* (yajana, yājana, adhyayana, adhyāpana, dāna, pratigraha) alone.

In fact in chapter XVIII of the Gita, Sri Krishna prescribed the qualities of the Brahmins but not their professions. In Gautama Dharma Sūtras we find the following Sūtra.

आर्यानार्ययोर्व्यतिक्षेपे कर्मणस्साम्यं साम्यम् । (X 66)

In the Maskari Bhāshya on this sūtra it is stated. व्यतिक्षेपे व्यतिकरे परस्परव्यत्यासे कर्मणः आचारस्य साम्यं समत्वं तयोरवगन्तव्यम् । आर्योऽपि ब्राह्मणादिः अनार्यकर्मा न शूद्रेण परिचरणीयः। अनार्योऽपि शूद्रो य उक्तकारी स आश्रयणीयः । एवं चानेन न जातिसाम्य-मुक्तम्, किन्तु जातिबलमाश्रित्य कुत्सितं न कर्तव्यम् । इतरोऽपि हीनोऽहमिति कृत्वाऽनादरो न कर्तव्यः ' इति ।

If this view was held by Gautama many centuries ago, where is the ground for any superiority or inferiority complexes of any sort to day? We are living in a democratic age and the tide of nationalism is flowing strong and the same right to work and service is open to all. Communalism and communal bitterness have thus no real basis at all and all the social groups can live a life of equality and interdependence and harmony. We have achieved independence but it will

be fully worthwhile only when we have also social harmony and economic freedom and justice and prosperity and aesthetical excellence and spiritual exaltation. It must be further noted that the scope of Apat Dharma was expanded so that all the castes might get a suitable and adequate living. After all in every community the producers and the distributors are indispensable, whereas the number of administrators and teachers and priests need not and could not be large. Hence in each age a certain number of Brahmans and Kshatriyas who could not live by Shatkarma or by the professions of arms and administration respectively would have to take to trade and commerce or to productive work. It was not regarded as anything improper or degrading to take to such pursuits. In Chapter X of Manu it is said that if a Brahmin could not eke out his livelihood by Yājana and adhyāpana and pratigraha he could, by way of Āpat Dharma, take to the professions open to Kshatriya *i.e.*, military life etc., If he could not make out his livelihood even in that manner he could take to two of the Vaisya professions *viz.* cattle rearing and trade. But Manu forbids him to do agricultural work because plouging kills innumerable animalucles. If a Kshatriya cannot maintain himself by his legitimate profession he can follow the professions open to a Vaisya. If a Vaisya cannot live by his profession, he can take to the professions open to a Sudra. If a Sudra connot live by his profession, he can be any artisan or a cook

अजीवंस्तु सथोक्तेन ब्राह्मणः स्वेन कर्मणा।
जीवेत् क्षत्रियधर्मेण सह्यस्य प्रत्यनन्तरः ॥

उभाभ्यामप्यजीवंस्तु कथं स्यादितिचेद्भवेत्।
कृषिगोरक्षमास्थाय जीवेद्वैश्यस्य जीविकाम् ॥

वैश्योऽजीवन्न स्वधर्मेण शूद्रवृत्त्यापि वर्तयेत् ॥
अशक्नुवंस्तु शुश्रूषां शूद्रः कर्तुं द्विजन्मनाम् ।

पुत्रदारात्ययं प्राप्तो जीवेत् कारुककर्मभिः ॥ (X 81, 82, 98, 99)
Karmas thus defined.

तक्षा च तन्तुवायश्च नापितो रजकस्तथा ।
पञ्चमश्चर्मकारश्च कारवः शिल्पिनो मताः ॥

But as pointed out above, Parasara sesms to loosen the restrictions of Manu as to agriculture.

षट्कर्मसहितो विप्रः कृषिकर्म च कारयेत् ॥
स्वयंकृष्टे तथाक्षेत्रे धान्यैश्च स्वयमार्जितैः ।
निर्वपेत् पञ्चयज्ञांश्च क्रतुदीक्षां च कारयेत् ॥ (II, 2, 6)

क्षत्रियोऽपि कृषिं कृत्वा देवान् विप्रांश्च पूजयेत् ।
वैश्यः शूद्रस्तथा कुर्यात् कृषिवाणिज्यशिल्पकम् ॥ (II, 13)

Manu says the general rule as to livelihood as follows.

विद्या शिल्पं भृतिः सेवा गोरक्ष्यं विपणिः कृषिः ।
धृतिर्भैक्ष्यं कुसीदं च दश जीवनहेतवः ॥ (X 146)

He states the general rule in chapter IV thus in fuller terms in regard to Brahmins, while forbidding storage of wealth.

अद्रोहेणैव भूतानां अल्पद्रोहेण वा पुनः ।
या वृत्तिस्तां समास्थाय विप्रो जीवेदनापदि ॥

यात्रामात्रप्रसिद्ध्यर्थं स्वैः कर्मभिरगर्हितैः ।
अक्लेशेन शरीरस्य कुर्वीत धनसञ्चयम् ॥

ऋतामृताभ्यां जीवेत्तु मृतेन प्रमृतेन वा ।
सत्यानृताभ्यामपि वा न श्ववृत्त्या कदाचन ॥

ऋतमुञ्छशिलं प्रोक्तं अमृतं स्यादयाचितम् ।
मृतं तु याचितं भैक्षं प्रमृतं कर्षणं स्मृतम् ॥

सत्यानृतं तु वाणिज्यं तेन चैवापि जीव्यते ।
सेवा श्ववृत्तिराख्याता तस्मात्तां परिवर्जयेत् ॥ (IV, 2 to 6)

[वाणिज्यसमशिष्टत्वात् कुसीदमपि गृह्यते । अनापदीत्यनुवृत्तेः अस्वय कृतान्येतानि बोध्यानि । यथाह गौतमः । कृषिवाणिज्ये स्वयं चाकृते कुसीदं च ॥

षट्कर्मैको भवत्येषां त्रिभिरन्यः प्रवर्तते ।
द्वाभ्यामेकश्चतुर्थस्तु ब्रह्मसत्रेण जीवति ॥

(A Brahmin with a large family resorts to six professions (ऋतायाचितभैक्षकृषिवाणिज्य कुसीद). A Brahmin with less family burdens lives by three professions (याजन अध्यापन प्रतिग्रह). Another lives by याजन and अध्यापन, and yet another lives by Adhyāpana alone.)

So far as untouchability is concerned it is to be noted that we have no proof that there were untouchable castes as such, though the Chandogya Upanishad refers to Chandalas. The description in Brihadaranyaka Upanishad (तस्म व्रजनमि गान्नःन्तमि यान्) seems to refer to Mlecchas and not to chandalas. Sankara says that what is referred to by "the end of the quarters" is the country where people dwell who are inimical to Vedic culture.

ननु नास्ति दिशामन्तः । कथमन्तं गमितवानिति । उच्यते । श्रौतविज्ञानवज्जनावधिकल्पितत्वाद्दिशां तद्विरोधिजनाध्युषित एव देशो दिशामन्तः, देशान्तोऽरण्यमिति यद्वदित्यदोषः ।

Manu (X, 4) and Mahabharata (Anusasanaparva, 47, 18) says that there are only four castes and that there is no fifth caste.

चतुर्थ एकजातिस्तु शूद्रो नास्ति तु पञ्चमः । (Manu X 4)
स्मृताश्च वर्णाश्चत्वारो पञ्चमो नाधिगम्यते॥(Anusasana 42-18)

Panini (II, 4, 10) refers to Niravasita Sudras and Aniravasita Sudras. Patanjali says "

यैर्भुक्तेपात्रं संस्कारेण शुद्ध्यति नेऽनिरवसिताः ।
यै र्भुक्ते पात्रं संस्कारेणापि न शुद्ध्यति ते निरवसिताः ॥

Manu (X, 41) shows that the pratiloma castes are treated as Sudras. In course of time, however, untoucha-

bility came into being in Hindu Society in the case of persons with low pursuits and filthy habits, though Manu regarded the chandala alone as *asprisya*. In modern India untouchability has been abolished by the Indian Constitution.

Reviewing the course of development of Achara and Vyavahara and Prayaschitta as a whole, we can easily realise how many aspects of every one of them have undergone changes while the essential portions of them all have been preserved intact. Most or at least many of the sacrifices and domestic rituals have ceased to be. The Kalivarjya idea itself implies the idea of change. But some of the essential samskaras such as upanayana and Vivaha etc., and the obsequical ceremoneis and tarpaṇa and Srāddha etc., have continued fairly intact. The daily course of *Shatkarma* life and the scheme of Nitya and Naimittika karmas have continued to a considerable extent. But the rules about the permitted professions have mostly changed beyond recognition and all forms of national service are taken up by all the castes. The greatest changes have been in the realm of of Vyavahara (law). Even before the British system of courts was established and before legislative enactments and judicial precedents began to grow in volume, many of the old rules fell into disuse. Some of the Mitakshara rules about women's proprietary rights ceased to be alive. The Privy council validated the adoption of an only son. The Hindu law of debts underwent a change at the hands of the Judges. The various legislatures in India introduced many changes. In regard to Prayaschittas also many changes have occured, and the old expiatory ceremonies have ceased to be performed especially after the proclamation of the perfect purificatory power of Bhakti.

प्रायश्चित्तान्यशेषाणि तपःकर्मात्मकानिवै ।
यानि तेषामशेषाणां कृष्णानुस्मरणं परम् ॥

Hindu Society is fully aware of the clamant demand in the modern age for liberty and equality and fraternity, of science and democracy and socialism and communism as dominent world—forces, of the four freedoms, and of the urgent need to bring itself into line with the new forces. It knows that a people without adaptability to environment is bound to perish. But it knows equally well that without loyalty to the racial vision, a race will equally perish. India will never become a mere echo of other civilisations and cultures. The has got the supreme duty of fusing Democracy with Truth and Ahimsā and also of spiritualising the petty death-girt life of man. She will preserve the essence of the spiritual and ethical and sacramental life laid down by her sages while modernising herself to the full. She will preserve the Shatkarma scheme of daily life, upanayana and vivaha, adhyayana and Japa and pārayaṇa, tarpaṇa and srāddha, and yoga and bhakti and jñāna while she takes her legitimate place in the unity of nations and achieves social unity and economic selfsufficiency and justice and peace in addition to political independence.

Let me take now by way of illustration the vexed questions of interdining and intermarriage. South India has been more conservative in this respect than North India where Drishti Dosham is not observed and where a differentiation is made between Pakka and Katcha food. One suggestion made by some conservative leaders who want to provide for the unity of heart engendered by a common mess is to have a common mess if vegetarian meals are cooked and served by Brahmins. The Hindu community has to consider that

via media and arrive at a successfulworking solution. There is no justification for marriage taboos among subcastes but some conservative leaders do not want to have a casteless and classless society of the communist type in India and do not like the *Varna-samkara* of thefour major castes. The recent Hindu code Bill is a contentious measure and I do not propose to discuss it here. Many conservative leaders do not like to have all the proposed changes about succession or to have civil marriage and divorce thrust into the Hindu law, especially as the Civil marriage Act provides therefor in regard to the so-called "progressive Hindus". It is upto the Hindu leaders to discuss all these vital questions and arrive at solutions consistent with the Dharmic ground-plan of Hindu life and the demands of democracy and modernism.

It must be noted that, though Dharma Sūtras and Dharma Śāstras deal primarily with rules of personal conduct and rules of civil and criminal law and rules of expiation of sins (Achara, Vyavahara and Prayaschitta), yet it must not be thought those sages were deficient in knowledge of philosophy and the ultimate aims of life or in the knowledge of the lofty ethical principles which are superior to mere rules of ceremonial or rules of law or rūles of expiation. The latter may, nay, will change in some respects or in many respects from age to age but the former were and are and will for ever be of perennial value and absorbing interest.

In Āpastamba, Praśna I Patala VIII Khanda XXII we find various sutras devoted to what is described as Ātmaniroopaṇa. अध्यात्मिकान् योगाननुतिष्ठेत् न्यायसंहितान् अनैश्चारिकान्। (१)

(We must practise spiritual disciplines which arise from the negation of mentally disturbing factors (like

anger etc.,). Haradatta says in his commentary. अनैश्चारिकान् , निश्चारः— चित्तस्य बहिर्विक्षेपः तस्मै ये प्रभवन्ति क्रोधादयो वक्ष्यमाणाः ते नैश्चारिकाः तत्प्रतिपक्षभूतान् । अक्रोधादिषु सत्सु चित्तमविश्चरणशीलं अध्यात्मालंबनं निश्चलं तिष्ठति । तस्मात् तान् अनुतिष्ठेत् । आत्मानं लब्धुं अक्रोधादिलक्षणं चित्तसमाधानं कुर्यादिति । आत्मलाभान्नपरं विद्यते ।(२)

(There is nothing higher than self-attainment.) In the commentary on this Sūtra, Haradatta gives a long and beautiful exposition based on the Vedanta of Sri Sankara. कः पुनरसावात्मा ? प्रत्यगात्मा । नन्वसौ नित्यलब्धः, न हि स्वयमेव स्वस्यालब्धो भवति । सत्यं, प्रकृतिमेलनात् तद्धर्मतामुपगतो विनष्टस्वरूप इव भाति । प्रकृत्या हि नित्यसंबद्धः पुरुषः । स च संबन्धस्तथाविधः यथापरस्परं विवेको न ज्ञायते । अन्योन्यधर्माश्च अन्योन्यत्र अध्यस्यन्ते । यथा क्षीरोदके संपृक्ते इयत्क्षीरं इयदुदकं । ... ... तस्यैवं गतस्यापेक्षितः स्वरूपलाभः नीचैरिव वर्धितस्य राजपुत्रस्य । ... ... तच्च त्रिविधं श्रुतं मननं ध्यानमिति । 'श्रोतव्यो मन्तव्यो निदिध्यासितव्यः' इति श्रवणात् । तत्र श्रुतं उपनिषदादिशब्दजन्यं ज्ञानं । मननमुपपत्तिभिर्निरूपणम् । एवं श्रुते मतेचात्मनि साक्षात्कारहेतुः । अविक्षिप्तेन चेतसा निरन्तरभावना ध्यानम् ।)

तत्र आत्मलाभीयान् श्लोकानुदाहरिष्यामः । (३)

पूः प्राणिनः सर्व एव गुहाशयस्य अहन्यमानस्य विकल्मषस्य । अचलं चलनिकेतं येऽनुतिष्ठन्ति ते ऽमृताः । (४)

(We shall here give a few verses relating to self-attainment. All things are objects of enjoyment to the self who is deathless and pure. Those who realise the changeless in the changing body become eternal.) Haradatta says in his commentary. गुहेति प्रकृतिनाम । तस्यां शेते तया सहाविभागापन्नस्तिष्ठतीति गुहाशय आत्मा । अहन्यमानस्य, नह्यसौ शरीरे हन्यमानेऽपि हन्यते । विकल्मषस्य निर्लेपस्य । एवंभूतस्यात्मनः सर्व एव प्राणिनः ब्रह्माद्यास्तिर्यगन्ताः प्राणादिमन्तस्संघाताः पूः पुरं उपभोगस्थानम् । तमेवंभूतं सर्वगतत्वेन निश्चलं चलनिकेतं, स्थानं शरीरं, तदस्य चलं तं येऽनुतिष्ठन्त्युपासते एवंभूतोऽहमिति प्रतिपद्यन्ते तेऽमृता मुक्ता भवन्ति)

यदिदमिदिहेदि ह लोके विषयमुच्यते । विधूय कविरेतदनुतिष्ठेत् गुहाशये । (५)

(All objects are described as this with wonder. The wise man abandons them and seeks the Aman.,) Haradatta says in his commenary. यदिदं विषयं एतदिति लिङ्गव्यत्ययश्छान्दसः, एवमिति शब्दस्य तकारस्य दकारः। इतिशब्दः प्रसिद्धौ । ह शब्द आश्चर्ये । इतिशब्देनावृत्तेनशब्दादिषु विषयेषु अवान्तरप्रकारभेदः प्रतिपाद्यते । विषयापहृतचेतसो हि वदन्ति, इति ह तस्या गीतं, इति ह तस्याः सुखस्पर्शः, इति ह तस्या रूपं निष्टप्तमिव कनकं, इति ह तस्याः स्वादिष्ठोऽधरमणिः, इति ह तस्यागन्धो घ्राणतर्पण इति। एवं दिव्यमानुषभेदोऽपि द्रष्टव्यः। एवं विधूय गुहाशयमनुतिष्ठेत् कविर्मेधावीति।)

आत्मन्नेवाहमलब्ध्वैतद्धितं सेवस्व नाहितं। अथान्येषु प्रतीच्छामि साधुष्ठानमनपेक्षया। महान्तं तेजस्कायं सर्वत्र निहितं प्रभुम्।

(The teacher says to the pupil. Instead of attaining Him the Infinite the Glorious, the Omnipresent, in myself, I seek Him among other entities. I have found Him. Do you also seek and attain Him. Follow the good and auspicious way. Do not tread the bad and inauspicious way.)

Haradatta says in his commentary. शिष्यं प्रत्याचार्यस्य वचनमेतत्। द्वौ चात्र हेतू विषयाणां त्यागे, पराधीनत्वं अहितत्वं च। ... ... एवं भूतं गुहाशयं एतावन्तं कालमहमात्मन्, आत्मन्यस्मिन् मदीये संघाते अन्यानपेक्ष्यैव लब्धुं योग्यमलब्ध्वा अथान्येषु इन्द्रियादिषु तं तं विषयं प्रतीच्छामि। लङर्थेलट्, प्रत्यैच्छम्। इदानीं तु तं लब्ध्वा न तथाविधोऽस्मि। त्वमप्येतदेव हितं साधुष्ठानं साधुमार्गं सेवस्व। ना हितं विषयानुधावनमिति।)

सर्वभूतेषु यो नित्यो विपश्चिदमृतो ध्रुवः।
अनङ्गोऽशब्दोऽशरीरोऽस्पर्शश्च महान् शुचिः॥
स सर्वं परमाकाष्ठा सवै वै भाजनं परम्॥

स वैषुवतं विषुवान् नाम गवामयनस्य मध्येभवं अहः। तद्यथा संवत्सरस्य मध्ये भवति एवमङ्गानामेषमध्ये भवति। स एव वैभाजनं पुरं, विविधैर्मार्गैर्भजनीयं विभाजनं, तदेव वैभाजनम्। प्रज्ञादिः अनुशतिकादिश्च। यथा समृद्धं पुरं सर्वैरर्थिभिः प्राप्यं एवमयमपीति।

तं योऽनुतिष्ठेत् सर्वत्र प्राध्वं चास्य सदाचरेत्।
दुर्दर्शनिपुणं युक्तो यः पश्येत् स मोदेत विष्टपे॥

(He who worships him does what is pleasing to him—him who is hard to realise and subtle,—he rejoices in Paradise. प्राध्वमानुकूल्यमाचरेत्)

In the next Khandika (XXIII) Apastamba describes the Atman in clear and concise and comprehensive terms and states in equally emphatic terms what are the *doshas* or defects which prevent self-realisation and what are the yogas which lead to it:—

आत्मन् पश्यन् सर्वभूतानि न मुह्येच्चिन्तयन् कवि । आत्मानं चैव सर्वत्र यः पश्येत् सवै ब्रह्मा नाकपृष्ठे विराजति । (१)

Seeing all beings in self the wise man should not have any delusion. He who sees his self in all shines in the Paradise of self-glory.

Haradatta says.

सर्वाणि भूतानि आत्मन् आत्मनि शेषत्वेन स्थितानि पश्यन् पश्चाच्च सर्वत्रैव शेषित्वेन स्थितमात्मानं पश्येत् साक्षात् कुर्यात् ।

निपुणोऽणीयान् बिसोर्णाया यस्सर्वमावृत्य तिष्ठति वर्षीयांश्च पृथिव्या ध्रुवः सर्वमारभ्य तिष्ठति । स इन्द्रियैर्जगतोऽस्य ज्ञानादन्योनन्यस्य ज्ञेयात् परमेष्ठी विभाजः । तस्मात् कायाः प्रभवन्ति सर्वे स मूलं शाश्वतिकः सनित्यः ।

Harādatta says in his commentary:

निपुणो मेधावी चिद्रूप बिसोर्णायाः बिसतन्तोरपि अणीयान्, वर्षीयान् बृहत्तरः, अस्य जगतो यदिन्द्रियैर्ज्ञानं इन्द्रियजं ज्ञानं तस्मात्, कीदृशात्? ज्ञेयात् अनन्यस्य, पञ्चम्यर्थे षष्ठी, ज्ञेयात् नीलपीताद्याकारादनन्यभूतं नीलपीताद्याकारं तस्माद्विषयज्ञानादन्यः इत्यर्थः । विभज्यमात्मानं देवमनुष्यादिरूपेण नानाशरीरानुप्रवेशेनेति विभाक्, तस्माद्विभाजो निमित्तभूतात् सर्वे कायाः देवमनुष्यादिशरीराणि प्रभवन्ति उत्पद्यन्ते ।

दोषाणां तु निर्घातो योगमूल इह जीविते । निर्हृत्य भूतदाहीयान् क्षेमं गच्छति पण्डितः ।

(The wise man who while living, destroys by means of yogas the doshas (defects) which burn us, attains bliss)

अथ भूतदाहीयान् दोषानुदाहरिष्यामः । (५)

(We shall now mention the defects which burn us).

क्रोधो हर्षो रोषो लोभो मोहो दंभो द्रोहो मृषोद्यमत्याशपरिवादावसूया काममन्यू अनात्म्यमयोगस्तेषां योगमूलो निर्घातः । ५ ।

(रोषः क्रोधस्यैव क्रियानपि भेदः, मित्रादिषु प्रतिकूलेषु मनसो वैलोम्य-मात्रकार्यकरम्, मृषोद्यं अनृतवचनं, अत्याशोऽत्यशनं, परीवादः परदोषा-भिधानं, मन्युः गूढो द्वेषः, अनात्म्यं अजितेन्द्रियत्वं जिह्वाचापल्यादि, अयोगो विक्षिप्तचित्तता.) अक्रोधोऽहर्षोऽरोषोऽलोभोऽमोहोऽदंभोऽद्रोहस्सत्यवचनमनत्या-शोऽपैशुनमनसूया संविभागस्त्याग आर्जवं शमो दमः सर्वभूतैरविरोधो योग आर्यमानृशंसं तुष्टिरिति सर्वाश्रमाणां समयपदानि तान्यनुतिष्ठन्विधिना सार्वगामी भवति । (६)

(सर्वस्मै हितः सार्वः आत्मा तं गच्छति प्राप्नोति)

We find an equally fine exposition of perennial value in Gautama's Dharma Sūtras. After describing the forty samskaras इत्येते चत्वारिंशत् संस्काराः । VII, 19)

Gautama refers to the 8 Ātma Gunas in a famous Sūtra अथाष्टावात्मगुणाः । (दया सर्वभूतेषु क्षान्तिरसूया शौचमनायासो मङ्गलमकार्पण्यमस्पृहेति । (VII, 20)

(Compassion towards all, forbearance, absence of joalosy, purity non-overexertion, auspicious action, munificience and non-covotousness). In the Maskari Bhāshya the commentator states दया हितचिन्तनं । सर्वग्रहणात् स्थावरेष्वपि ।

The Sūtrakara then proceeds to say

यस्यैते चत्वारिंशत् संस्कारा नचाष्टावात्मगुणा न स ब्रह्मणस्सायुज्यं सालोक्यं च गच्छति । (२२)

यस्य तु खलु संस्काराणामेकदेशोऽप्यष्टावात्मगुणाः अथ स ब्रह्मणस्सा-युज्य सालोक्यं च गच्छति । (२३)

(He who has performed all the 40 samskaras but has not got the 8 Atmagunas cannot attain paradise

and union with God. But he who has all the Atma guṇas but has performed only some of the Samskaras attains paradise and union with God).

This does not in any way lessen the value of the Samskaras but stresses the greater importance of the Atma guṇas which are called yogas by Apastamba as shown above and which are described collectively as Daivi Sampath in Chapter XVI of the Gīta.

दैवी संपद्विमोक्षाय निबन्धायासुरी मता (Gīta, XVI, 5)

I have indicated above how some customs have become obsolute in course of time, how some rules of law were modified by Judicial decisions, and how other rules of law were abrogated by modern legislation. It is to be noted also that after the Puraṇic and Āgamic disciplines came into prominence, many of the 32 Srauta Vidyas and many of the Srautha sacrifices fell into desuetude. The forces of Buddhism and Jainism also operated in the direction of superseding the sacrifices which involved the slaughter of animals. The seed of this new upsurgence of thought is found in Manu itself.

जप्येनैव तु संसिद्ध्येत् ब्रह्मणो नात्र संशयः।
कुर्यादन्यन्नवा कुर्यात् मैत्रो ब्रह्मण उच्यते ॥ (II, 87)

Kulluka in his gloss on this verse harmonises the old and the new outlooks.

ब्राह्मणो जप्येनैव निस्सन्देहां सिद्धिंलभते मोक्षप्राप्तियोग्यो भवति। अन्यन् वैदिकं यागादिकं करोतु न करोतु वा। ब्राह्मणः ब्रह्मणःसंबन्धी ब्रह्मणि लीयते इत्यागमेषूच्यते। मित्रमेव मैत्रः स्वार्थेऽण्। यागादिषु पशुबीजादिवधान्नसर्वे-प्राणिप्रियता संभवति। तस्मात् यागादिना विनापि प्रणवादिजपनिष्ठो निस्तर-तीति जपप्रशंसा न तु यागादीनां निषेधस्तेषामपि शास्त्रीयत्वात्।

The ancient yajñas yet continue to be performed but by fewer and fewer people with the lapse of time.

There is a famous verse in Manu about the relative importance of Yama and Niyama (ethical disciplines and ceremonial disciplines).

यमान् सेवेत सततं ननित्यं नियमान् बुधः ।
यमान् पतत्यकुर्वाणो नियमान् केवलान् भजन् ॥
(Manu IV, 204)

Yamas represent the ethical disciplines while *niyamas* represent in the main the ceremonial disciplines. Kulluka in his gloss on the verse quotes yājña valkya's definition of yamas and niyamas.

ब्रह्मचर्यं दया क्षान्तिर्ध्यानं सत्यमकल्कता ।
अहिंसाऽस्तेयमाधुर्ये दमश्चेति यमाः स्मृताः ॥
स्नानं मौनोपवासेज्यास्वाध्यायोपस्थनिग्रहाः ।
नियमो गुरुशुश्रूषा शौचाक्रोधाप्रमादता ॥

Manu says that we must always practise the yamas though we may not always practice the niyamas and that he who gives up the yamas falls even if he practises all the niyamas. The enumeration of yamas and niyamas is slightly different in the yoga sūtras.

अहिंसासत्यास्तेय ब्रह्मचर्यापरिग्रहा यमाः ।
शौचसन्तोषतपः स्वाध्यायेश्वरप्रणिधानानि नियमाः ॥
(Yega Sutras II, 30, 32)

Manu specially emphasises the importance of Praṇava and Gayatri.

एकाक्षरं परंब्रह्म प्राणायामः परं तपः ।
सावित्र्यास्तु परं नास्ति मौनात्सत्यं विशिष्यते ॥ (II, 83)

He stresses also the importance of *tapas* (penance and austerity).

ऋषयः संयतात्मानः फलमूलानिलाशनाः ।
तपसैव प्रपश्यन्ति त्रैलोक्यं सचराचरम् ॥
यद्दुस्तरं यद्दुरापं यद्दुर्गं यच्च दुष्करम् ।
सर्वं तु तपसा साध्यं तपोहि दुरतिक्रमम् ॥ (XI, 236, 238)

Manu teaches that the highest attainment is the realisation of the infinite Ātman. We must see the self shining in all and realise the identity of our self with the Universal self. The Infinite Self is all the Gods, is everything in the Universe. He is called Agni, Prajāpati, Indra, Prāṇa and Para-Brahman.

सर्वभूतेषुचात्मानं सर्वभूतानि चात्मनि ।
समं पश्यन्नात्मयाजी स्वाराज्यमधिगच्छति ॥ (XII, 9)

सर्वमात्मनि संपश्येत् सच्चासच्च समाहितः ।
सर्वं ह्यात्मनि संपश्यन्नाधर्मे कुरुते मनः ॥

आत्मैव देवताः सर्वाः सर्वमात्मन्यवस्थितम् ।
आत्माहि जनयत्येषां कर्मयोगं शरीरिणाम् ॥

प्रशासितारं सर्वेषां अणीयांसमणोरपि ।
रुक्माभं स्वप्नधीगम्यं विद्यात् तं पुरुषं परम् ॥

एतमेके वदन्त्यग्निं मनुमन्ये प्रजापतिम् ।
इन्द्रमेके परे प्राणमपरे ब्रह्म शाश्वतम् ॥ (XII, 122 to 125)

The greatness of Hinduism consists in its synthesis of ceremonial and ethics and spirituality. The very word संस्कार means something that contributes to self-sublimation. Sri Sankara says in his Brahma Sūtra Bhāshya.

संस्कारो हि नाम संस्कार्यस्य गुणाधानेन वा स्यात् दोषापनयनेन वा ॥
(I, 1, 4)

Manu says

गार्भैर्होमैर्जातकर्म चर्ममौञ्जीनिबन्धनैः ।
बैजिकं गार्भिकंचैनो द्विजानामपमृज्यते ॥

स्वाध्यायेन व्रतैर्होमैस्त्रैविद्येनेज्यया सुतैः ।
महायज्ञैश्च यज्ञैश्च ब्राह्मीयं क्रियते तनुः ॥ (II, 27, 28)

Kulluka clearly says in his commentary on the second verse stated above.

ब्राह्मी ब्रह्मप्राप्तियोग्येयं तनुः तन्ववच्छिन्न आत्मा क्रियते । कर्मसहकृत-ब्रह्मज्ञानेन मोक्षावाप्तेः ॥

It is therefore clear that instead of lamenting over the modern neglect of the Samskaras or trying to restore all the 40 samskaras and all the vedic sacrifices etc., and cutting out all the changes which have come about in the Puranic age and the Agamic age and the modern age, the proper course is for the Dharmācharyas and the other learned scholars and social leaders to do today what was done at the time of the beginning of the Kaliyuga, viz. to settle a new organon of ceremonial and ethic and metaphysic based on all the sources of Dharma, viz. Vedas and Smṛthis and Puranas and Agamas in consonance with the pressure of the environment and the demands of the modern age. If we let things drift, there is a danger of the former being sqeezed out of existence in this hurrying materialistic hedonistic modern age. If such a work cannot be done, let us at least individually or in groups practise and keep up at least a minimum such as bath before sunrise, sandhya worship, mantra japa, adhyayana of the Sooktas, parayana, daily worship, tarpana and sraddha. If others have leisure and convenience to do more, let them do so. But let no one revile another for any lapses in samskaras, if at least devotion to God exists. Sri Krishna is prepared to overlook Durachara if Bhakti exists, because a devotee would soon become a Dharmatma.

अपि चेत् सुदुराचारो भजते मामनन्य भाक् ।
साधुरेव स मन्तव्यः सम्यग्व्यवसितो हि सः ॥
क्षिप्रं भवति धर्मात्मा शश्वच्छान्तिं निगच्छति।
कौन्तेय प्रतिजानीहि न मे भक्तः प्रणश्यति ॥

(Gita IX. 36, 37)

Let us not try to be wiser than Sri Krishna. Let us not also in our excess of zealotry and sectarian

spirit publicly exalt our own samskaras and cry down the samskaras of others.

I wish to refer also here to the sublime ideas of Manu about the origin and evolution and goal of life. In a famous passage he points out how from circumambient darkness,—indifferentiated, chaotic and emorphous,—arose this shining and beautful Universe by the will of God.

आसीदिदं तमो भूतमप्रज्ञातमलक्षणम् ।
अप्रतर्क्यमविज्ञेयं प्रसुप्तमिव सर्वतः ॥
ततः स्वयंभूर्भगवानव्यक्तोव्यञ्जयन्निदम् ।
महाभूतादिवृत्तौजाः प्रादुरासीत्तमोनुदः ॥ (I, 5, 6)

(वृत्तमप्रतिहतमोजः सृष्टिसामर्थ्यं यस्यासि, तथा तमोनुदः प्रकृतिप्रेरकः । तदुक्तं भगवद्गीतायां 'मयाध्यक्षेण प्रकृतिः सूयते स चराचरम' (Kulluka's gloss)

As a result of creative evolution the souls get embodiments according to their karma.

यथर्तुलिङ्गान्यृतवः स्वयमेवर्तुपर्यये ।
स्वानि स्वान्यभिपद्यन्ते तथा कर्माणि देहिनः ॥ (I, 30)

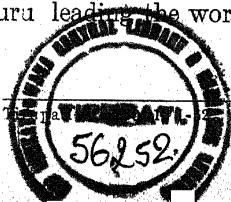
The Universe is guided by the cosmic order (Ṛta) till the shadow of dissolution falls on the face of creation and the weary souls are gathered into the bosom of the Eternal till they are launched for again on the world do quest of God realisation. The process is described by Manu in the expressive phrase कालं कालेन पीडयन् (I, 51)

In his valuable foreword to the edition of Vyavahara nirnaya of Varadaraja by Messrs. K. V. Rangaswami Iyengar and A. N. Krishna Iyengar, Sir P. S. Sivaswami Iyer says: "The value of a study of the ancient law books to the practising lawyer grows less and less. The increase of legislation and Judge-made

law steadily tends to render a study of the original works and digests superflous". It seems to me that even in the department of Ancient Hindu law certain general principles will be found valid and useful to this day and I hope that the modern students and practitioners of law and legislators will realise this truth. In any event at least some of the ceremonial disciplines and many of the ethical disciplines and spiritual ideas stated in the Dharma Sūtras and Dharma Śāstras will survive for all time in the land of their birth and will be a portion of the texture of Hindu thought and life for ever. I believe that in this direction Southern India and its heart-centre Tirupati have got a great mission. Manu has no doubt said:

आसमुद्रात्तु वै पूर्वादासमुद्रात्तु पश्चिमात्।
तयोरेवान्तरं गिर्योरार्यावर्तं विदुर्बुधाः॥
सरस्वतीदृषद्वत्योर्देवनद्योर्यदन्तरम्।
तं देवनिर्मितं देशं ब्रह्मावर्तं विदुर्बुधाः॥ (Manu II, 22, 17)

Manu went on to say that the whole world must learn Achara from the Brahmavarta Brahmins. But in the Bhagavata (XI Skandha adhyaya) it is stated that South India from the Palar to the Tamraparni will be the punyabhūmi and that the Kalki Avatara is to be in South India. Foreign invasions unsettled social life in North India. It bore the brunt of the external attack and allowed South India to evolve Hindu culture and thought and way of life in comparative peace. I hope and wish and pray that Lord Srinivasa will give South India the great task and privilege of unifying and purifying and sanctifying the whole of India and make India—liberated, independent, united, powerful, prosperous India—the World's Guru leading the world unto God.

Tirumalai-Tirupati Devasthanams Press, Tirupati.

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